

mittee on Insurance, to whom was referred S. B. No. 218, beg to differ with a majority of your Committee and report the same back to the Senate with the recommendation that it do not pass.

HOLBROOK,  
PRICE.

Committee Room,  
Austin, Texas, Feb. 4, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 169, have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

PRICE, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred,

H. B. No. 112, A bill to be entitled "An Act to change and prescribe the time for holding the terms of district court in the Thirty-third Judicial District; to make all writs and process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court in the several counties in said district as herein fixed; to validate the summoning of grand and petit jurors under the present law so as to render them available under the Act; to provide for the continuation of court in session in said district when this Act takes effect, to the end of the term; to repeal all laws and parts of laws in conflict herewith, and providing for an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred,

S. B. No. 265, A bill to be entitled "An Act transferring the civil and

criminal jurisdiction of the county court of Edwards County to the district court of said county; providing that hereafter said county court shall have jurisdiction only in probate matters; providing for the transfer of cases and making provision for all things incidental to the purpose of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

### SEVENTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
Monday, February 7, 1927.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Neal.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Wood.
Moore.	Woodward.

Absent.

Parr.

Witt.

Absent—Excused.

Miller.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

### Petitions and Memorials.

(See Appendix.)

### Committee Reports.

(See Appendix.)

**Bills and Resolutions.**

By Senator Bailey:

S. B. No. 288, A bill to be entitled "An Act to provide additional compensation to official shorthand reporters of Texas in judicial districts composed of two or more counties by allowing compensation for actual necessary expenses when engaged in the discharge of their official duties, etc., and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Bailey, by request:

S. B. No. 289, A bill to be entitled "An Act to amend Article 1557 of the Penal Code of the State of Texas, 1925, making same apply to all mortgages on motor vehicles, and making it a penal offense to remove a motor vehicle from the county in which mortgagor resides at the time of giving mortgages, and retaining same out of the county for more than sixty days without first obtaining permission of the holder of the mortgage, and making the venue for violation of Article 1557 in the county in which the car was taken without permission."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Bailey:

S. B. No. 290, A bill to be entitled "An Act to amend Article 3935 of the Revised Civil Statutes of Texas, 1925, relating to and providing for the fees and compensation of justices of the peace, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 291, A bill to be entitled "An Act to amend Article 1237 of Chapter 14, of the Penal Code of the State of Texas, 1925, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Floyd:

S. B. No. 292, A bill to be entitled "An Act amending Articles 673 and 674, Chapter 7, Title 11, of the Penal Code of Texas, 1925, all of said Articles relating to intoxicating liquors and to distilled, malt, spiritous, vinous fermented or alcoholic liquids, compounds and preparations, patent and proprietary medicines or prepar-

ations or solutions; providing for better control, prohibition and regulation of traffic in intoxicating liquors; prescribing necessary penalties and defining necessary offenses, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Fairchild:

S. B. No. 293, A bill to be entitled "An Act granting and donating to Tyler County, Texas, for a period of fifteen years beginning January 1, 1928, that part of the State ad valorem taxes which is in excess of 10 cents on the one hundred dollars' valuation of property subject to taxation collected upon property and from persons in said county including the rolling stock belonging to railroad companies which shall be ascertained and apportioned as provided by law, for road and bridge purposes, etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Floyd:

S. B. No. 294, A bill to be entitled "An Act amending Articles 677, 678 and 679, of the Penal Code of the State of Texas, 1925, relating to intoxicating liquor, limiting the amount of intoxicating liquor that may be sold by druggists on prescriptions of physicians, and regulating the price that druggists may charge for such liquor, etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Wood:

S. B. No. 295, A bill to be entitled "An Act in the interest of maternity and infancy welfare and hygiene, accepting the provisions of an Act of the United States Congress approved December 23, 1921, as amended by the Sixty-ninth Congress by an Act approved January 22, 1927, and entitled 'An Act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes,' commonly known as the 'Sheppard-Towner Act,' providing that the work shall be carried on through the State Board of Health through its Bureau of Child Hygiene, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Love:

✓ S. B. No. 296, A bill to be entitled "An Act requiring the school authorities in cities having a population of five thousand inhabitants and over to provide sufficient and adequate protection against fire or panic in school buildings under the management and control of such school authorities, etc., and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senators Love and Wirtz:

S. B. No. 297, A bill to be entitled "An Act to abolish the defense of contributory negligence and to establish in this State the rule of comparative negligence, etc., and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Russek:

S. B. No. 298, A bill to be entitled "An Act amending Articles 1697 and 1700, of the Revised Civil Statutes, 1925, granting authority to the commissioners' court of the several counties in Texas to establish law libraries, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hall:

S. B. No. 299, A bill to be entitled "An Act to amend Article 4045, Revised Civil Statutes, 1925, making it unlawful to place, set, or drag any seine or net or to carry on, over or into the waters hereinafter referred to, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Hall:

S. J. R. No. 23, A joint resolution "Proposing amendment to the State Constitution providing that cities having more than five thousand inhabitants may, by a majority vote of the qualified voters of such city at an election held for that purpose, amend their charter, etc."

Read first time and referred to Committee on Constitutional Amendments.

By Senator Parr:

✓ S. B. No. 300, A bill to be entitled "An Act to authorize the board of directors of the Agricultural and Mechanical College of Texas to estab-

lish and maintain a horticultural and agricultural experiment station, etc."

Read first time and referred to Committee on Finance.

By Senator Wirtz:

S. B. No. 301, A bill to be entitled "An Act to amend Article 3726, of the Revised Civil Statutes, 1925, so as to provide for the introduction in evidence of the originals or certified copies of recorded instruments, etc., and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Wirtz:

S. B. No. 302, A bill to be entitled "An Act to amend the Revised Civil Statutes, 1925, by adding to Article 7373 and Article 7373a."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Wirtz:

S. B. No. 303, A bill to be entitled "An Act to amend Article 5519, of the Revised Civil Statutes of Texas, 1925, etc."

Read first time and referred to Committee on Civil Jurisprudence.

#### Simple Resolution No. 49.

Senator Woodward sent up the following resolution:

Whereas, Warrant No. 50, issued to the Rev. W. H. Doss, Chaplain, in the sum of \$20.00, covering salary from January 11 to January 14, was through oversight, destroyed before being cashed; and,

Whereas, It is necessary to issue a duplicate warrant in lieu thereof.

Therefore, be it resolved by the Senate, That the Secretary be authorized to reissue a warrant to the Rev. W. H. Doss in the sum of \$20.00 in lieu of warrant No. 50.

The resolution was read and adopted.

#### S. C. R. No. 12.

Senator Love sent up the following concurrent resolution:

Be it Resolved by the Senate of Texas, the House concurring therein, That Honorable William Gibbs McAdoo, a distinguished citizen of California, and of the nation, who has rendered service of great value to Texas, and was the choice of her democracy for President of the United States, both in 1920 and in 1924, and who recently made a not-

able speech on the subject of Prohibition and Nullification and the enforcement of the law at Toledo, Ohio, be invited to address the Legislature of Texas in joint session at such time as shall suit his convenience.

Love, R. A. Stuart, Bledsoe, McFarlane, Reid, Woodward, Smith, Floyd, Fairchild, Triplett, Holbrook, Hardin, Neal, Greer, Ward, Real, Bowers, Price, Moore, Westbrook, Berkeley.

The resolution was read and adopted.

#### Simple Resolution No. 50.

Senator Moore sent up the following resolution:

Whereas, Hon. Tom W. Perkins of McKinney, a former distinguished members of this body is now in the city,

Therefore be 'it Resolved, That Senator Perkins be invited to address the Senate and that he be extended the privileges of the Senate.

MOORE,  
WESTBROOK.

The resolution was read and adopted.

#### Address by Ex-Senator Perkins.

Ex-Senator Perkins, Mayor of McKinney, was introduced by Senator Moore and briefly addressed the Senate.

#### Message From the House.

The Chair recognized the Door-keeper who introduced a messenger from the House with the following Executive message:

Hall of the House of Representatives,  
Austin, Texas, Feb. 7, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 268, A bill to be entitled "An Act to create an additional criminal district court for the county of Harris; and to provide for district, jurisdiction and organization of, and procedure in said court; to provide for the transferring and docketing of cases and to provide for the trial and disposition of causes during the absence of either judge; to provide for the appointment and election, qualification, jurisdiction, duties, powers and compensation of a judge thereof; to provide for a seal, and to provide for a sheriff, clerk and attorney thereof, and to provide for the

appointment and pay of special deputy clerks, and an assistant district attorney; to fix the time for holding terms thereof, and to provide for jury service and empanelling of grand juries; to limit and conform thereto jurisdiction of the Criminal District Court of Harris County."

S. C. R. No. 5, providing for a Tax Survey Commission.

Respectfully submitted,

M. LOUISE SNOW,  
Chief Clerk, House of Representatives.

#### Bill Signed.

After its caption was read, the Chair signed, in the presence of the Senate, S. C. R. No. 5.

#### Senate Bill No. 242.

On the motion of Senator Moore, S. B. No. 242, was recommitted to the Committee on Insurance.

#### House Bills Read and Referred.

After its caption was read, the Chair referred H. B. No. 268 to Committee on Judicial Districts.

#### Senate Bills No. 97 and 99.

On the motion of Senator Woodward, S. B. Nos. 97 and 99 were ordered printed upon the minority reports.

#### Senate Bill No. 141.

The Chair laid before the Senate, the following bill, a special order after the morning call:

S. B. No. 141, A bill to be entitled "An Act to amend Article 2889a, of the Revised Statutes, of 1925, pertaining to the issuance of teachers' certificates."

The bill was read second time.

#### Recess.

At 12:00 m., the Senate on the motion of Senator Holbrook, recessed until the afternoon at 2:00 o'clock.

#### After Recess.

The Senate was called to order at 2:00 p. m. by the Lieutenant Governor, pursuant to recess.

#### Senate Bill No. 141.

The question recurred upon the consideration of S. B. No. 141, pending under a special order.

Senator Price sent up the following amendment:

(Amendment No. 1, S. B. No. 141.)

Amend S. B. No. 141, Page 1, by inserting after the word "subject," in Line 21, the following: "Provided that certificates issued under the first paragraph of Art. 2889a of the Revised Civil Statutes of 1925, which paragraph is omitted from this Act, may not be cancelled on the ground merely that they were issued by virtue of said paragraph of said Article."

The amendment was read.

Senator Pollard sent up the following substitute for the amendment by Senator Price:

Substitute for Amendment No. 1, S. B. No. 141.

By Senators Pollard and McFarlane:

Amend S. B. No. 141, Page 1, Line 21, by striking out the period after the word "subject" and add a semicolon, and the following: "Provided, however, no first grade life certificate heretofore issued under the provisions of Article 2889a, before this Act takes effect shall be cancelled or otherwise affected by the passage of this Act.

The substitute was read and failed to be adopted by the following vote:

Yeas—13.

Bowers.	Pollard.
Fairchild.	Real.
Greer.	Russek.
Hall.	Triplett.
Love.	Wirtz.
McFarlane.	Wood.
Parr.	

Nays—16.

Bailey.	Neal.
Berkeley.	Price.
Bledsoe.	Reid.
Floyd.	Smith.
Hardin.	Stuart.
Holbrook.	Ward.
Lewis.	Westbrook.
Moore.	Woodward.

Absent.

Witt.

Absent—Excused.

Miller.

Senator Fairchild moved to table the amendment by Senator Price.

The motion to table was lost by the following vote:

Yeas—11.

Bledsoe.	Pollard.
Bowers.	Russek.
Fairchild.	Triplett.
Hall.	Ward.
McFarlane.	Wirtz.
Parr.	

Nays—18.

Bailey.	Neal.
Berkeley.	Price.
Floyd.	Real.
Greer.	Reid.
Hardin.	Smith.
Holbrook.	Stuart.
Lewis.	Westbrook.
Love.	Wood.
Moore.	Woodward.

Absent.

Witt.

Absent—Excused.

Miller.

The amendment was adopted.

Senator Westbrook sent the following amendment:

(Amendment No. 2, S. B. No. 141.)

Amend S. B. No. 141, by inserting after the word "music" in Line 19, Page 1, the word "expression."

The Amendment was read and adopted.

Senator Love sent up the following amendment:

Amend S. B. No. 141, by inserting in Line 12, after the letters and figures "Art. 2889a" a new paragraph to read as follows:

"Any person shall be entitled to receive a State permanent first grade certificate, who for six or more successive years immediately preceding the issuance thereof has taught in the public schools of this State, and, during such period has held a State first grade certificate, or its equivalent."

The amendment was read and adopted.

Senator Love moved to reconsider the vote by which the amendment by Senator Love was adopted.

Senator Fairchild moved to table the motion to reconsider.

The motion to table prevailed by the following vote:

Yeas—20.

Bailey.	Bowers.
Bledsoe.	Fairchild.

Floyd.  
Hall.  
Hardin.  
Holbrook.  
McFarlane.  
Moore.  
Parr.  
Pollard.

Price.  
Russek.  
Triplett.  
Ward.  
Westbrook.  
Wirtz.  
Wood.

Nays—8.

Berkeley.  
Greer.  
Lewis.  
Love.  
Real.

Reid.  
Smith.  
Stuart.  
Woodward.

Present—Not Voting.

Neal.

Absent.

Witt.

Absent—Excused.

Miller.

The bill was read second time and passed to engrossment.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 141 was put on its third reading and final passage, by the following vote:

Yeas—27.

Bailey.  
Berkeley.  
Bledsoe.  
Bowers.  
Fairchild.  
Floyd.  
Greer.  
Hall.  
Hardin.  
Holbrook.  
Lewis.  
Love.  
McFarlane.  
Moore.

Neal.  
Parr.  
Pollard.  
Real.  
Russek.  
Smith.  
Stuart.  
Triplett.  
Ward.  
Westbrook.  
Wirtz.  
Wood.  
Woodward.

Nays—2.

Price.  
Reid.

Absent.

Witt.

Absent—Excused.

Miller.

The bill was read third time and passed finally, by the following vote:

Yeas—17.

Bailey.  
Berkeley.  
Bledsoe.  
Bowers.  
Fairchild.  
Floyd.  
Greer.  
Hardin.  
Holbrook.

Love.  
McFarlane.  
Parr.  
Pollard.  
Russek.  
Triplett.  
Ward.  
Wirtz.

Nays—12.

Hall.  
Lewis.  
Moore.  
Neal.  
Price.  
Real.

Reid.  
Smith.  
Stuart.  
Westbrook.  
Wood.  
Woodward.

Absent.

Witt.

Absent—Excused.

Miller.

#### Senate Bill No. 131.

The Chair laid before the Senate, as a special order, after S. B. No. 141, the following bill:

S. B. No. 131, A bill to be entitled "An Act in the interest of the public safety by rendering it unlawful for any person to drive or propel an automobile, automobile truck or other motor driven vehicle upon the track of any railroad operated by a steam railroad company, or the receiver therefor, the track of any railroad operated by an interurban railroad company, or the receiver thereof, at the place of crossing of any public road or street at grade, after the designation of the same as dangerous by the State Highway Commission, except in certain cases, without stopping, looking and listening for approaching trains, engines or cars; by making it a misdemeanor to violate any of the provisions of the Act and prescribing punishment therefor; by providing that failure to stop at a crossing designated as a full stop shall not constitute negligence per se; by providing that the State Highway Commission shall designate crossings as dangerous and give notice thereof, etc., and declaring an emergency."

The bill was read second time.

The committee report carrying amendment was read.

Senator Wirtz offered the follow-

ing amendment to the committee amendment No. 1:

Amend committee amendment No. 1, by striking out of the amendment in Lines 14 and 15, Page 7, of the printed bill, the words "twenty miles per hour" and insert in lieu thereof the words "thirty miles per hour" and add the following: "Provided that this Section shall not apply to crossings equipped with gates or bells or other automatic warning device."

The amendment was read.

Committee amendment No. 1 as amended was adopted.

Senator Wirtz sent up the following amendment to committee amendment No. 2:

(Amendment No. 2, S. B. No. 131.)

Amend committee amendment No. 2, by striking out the word "Sections 1 and 1a," and in lieu thereof insert the following: "Sec. 1 or Sec. 1a."

The amendment was read and adopted.

Committee amendment No. 2 as amended was adopted.

Senator Love moved to indefinitely postpone the bill and all amendments.

A motion to table the motion to indefinitely postpone was lost.

Senator Price made the point of order that committee amendment No. 3a was not germane to the original purpose of the bill.

The Chair overruled the point of order at this time.

Senator Bowers as a substitute for the motion by Senator Love moved to lay the bill on the table subject to call.

The motion to lay on the table subject to call prevailed by the following vote:

Yeas—15.

Berkeley.	Real.
Bowers.	Reid.
Greer.	Smith.
Hall.	Triplett.
Lewis.	Ward.
Neal.	Westbrook.
Parr.	Woodward.
Price.	

Nays—11.

Bailey.	Moore.
Fairchild.	Pollard.
Floyd.	Russek.
Holbrook.	Wirtz.
Love.	Wood.
McFarlane.	

Absent.

Bledsoe.	Stuart.
Hardin.	Witt.

Absent—Excused.

Miller.

Message From the Governor.

The Chair recognized the Door-keeper who introduced a messenger from the Governor with the following executive message:

Executive Office,

Austin, Texas, Feb. 2, 1927.

To the Honorable Senate of the State of Texas:

With your advice and consent, I desire to appoint the following named persons to the office set opposite their several names, respectively:

Honorable Roy I. Biggs, Reeves County, to be district attorney, Seventieth Judicial District, succeeding Honorable Henry S. Russell, resigned, effective February 10, 1927.

Honorable M. S. Long, Taylor County, to be judge of the district court of the Forty-second Judicial District, succeeding Honorable W. R. Ely, resigned.

Honorable J. R. Black of Callahan County, to be district attorney of the Forty-second Judicial District, succeeding M. S. Long, resigned.

Honorable W. E. Gee, Potter County, to be judge of the district court of the 108th Judicial District.

Honorable W. H. Slay, Tarrant County, to be member of the Board of Managers of the North Texas Junior Agricultural College

Honorable S. C. Rowe, Tarrant County, to be member of the Board of Managers of the North Texas Junior Agricultural College.

Honorable Cliff Barnes, Tarrant County, to be member of the Board of Managers of the North Texas Junior Agricultural College.

Honorable N. L. Davis, Tarrant County, to be member of the Board of Managers of the North Texas Junior Agricultural College.

Honorable O. O. Touchstone, Dallas County, to be member of the Board of Managers of the North Texas Junior Agricultural College.

Honorable G. H. Aronsfeld, Galveston County, to be member of the State Board of Optometry.

Honorable R. A. Terrell, Dallas County, to be member of the State Board of Optometry.

Honorable W. L. Weatherall, Jefferson County, to be Pilot Commissioner for Sabine Pass District.

Honorable M. Craig, Jefferson County, to be Pilot Commissioner for Sabine Pass District.

Honorable J. S. Edwards, Jefferson County, to be Pilot Commissioner for Sabine Pass District.

Honorable P. P. Butler, Jefferson County, to be Pilot Commissioner for Sabine Pass District.

Honorable O. H. Campbell, Orange County, to be Pilot Commissioner for Sabine Pass District.

Honorable W. D. Prince, Dallas County, to be member of the Board of Public Accountancy.

Honorable Forrest Mathis, Dallas County, to be member of the Board of Public Accountancy.

Honorable J. A. Phillips, Harris County, to be member of the Board of Public Accountancy.

Respectfully submitted,

DAN MOODY,

Governor of the State of Texas.

The message was read and referred to the Committee on Governor's Nominations.

#### Executive Session.

On the motion of Senator Reid, the Committee on Governor's Nominations was instructed to report immediately, and the Senate went into Executive Session to consider nominations of the Governor.

#### After Executive Session.

Upon the reconvening of the Senate, the Secretary reported to the Journal Clerk, the confirmation in Executive Session, of the following nominees of the Governor:

Honorable Roy I. Biggs, Reeves County, to be district attorney, Seventieth Judicial District, succeeding Honorable Henry S. Russell, resigned, effective February 10, 1927.

Honorable M. S. Long, Taylor County, to be judge of the district court of the Forty-second Judicial District, succeeding Honorable W. R. Ely, resigned.

Honorable J. R. Black of Callahan County, to be district attorney of the Forty-second Judicial District, succeeding M. S. Long, resigned.

Honorable W. E. Gee, Potter County, to be judge of the district court of the 108th Judicial District.

Honorable W. H. Slay, Tarrant County, to be member of the Board

of Managers of the North Texas Junior Agricultural College.

Honorable S. C. Rowe, Tarrant County, to be member of the Board of Managers of the North Texas Junior Agricultural College.

Honorable Cliff Barnes, Tarrant County, to be member of the Board of Managers of the North Texas Junior Agricultural College.

Honorable N. L. Davis, Tarrant County, to be member of the Board of Managers of the North Texas Junior Agricultural College.

Honorable O. O. Touchstone, Dallas County, to be member of the Board of Managers of the North Texas Junior Agricultural College.

Honorable G. H. Aronsfeld, Galveston County, to be member of the State Board of Optometry.

Honorable R. A. Terrell, Dallas County, to be member of the State Board of Optometry.

Honorable W. L. Weatherall, Jefferson County, to be Pilot Commissioner for Sabine Pass District.

Honorable M. Craig, Jefferson County, to be Pilot Commissioner for Sabine Pass District.

Honorable J. S. Edwards, Jefferson County, to be Pilot Commissioner for Sabine Pass District.

Honorable P. P. Butler, Jefferson County, to be Pilot Commissioner for Sabine Pass District.

Honorable O. H. Campbell, Orange County, to be Pilot Commissioner for Sabine Pass District.

Honorable W. D. Prince, Dallas County, to be member of the Board of Public Accountancy.

Honorable Forrest Mathis, Dallas County, to be member of the Board of Public Accountancy.

Honorable J. A. Phillips, Harris County, to be member of the Board of Public Accountancy.

#### S. C. R. No. 13.

Senator Neal sent up the following resolution.

By Senator Neal:

S. C. R. No. 13, A joint resolution "Accepting deeds to certain State Parks."

Read first time and referred to Committee on State Affairs.

#### Senate Bill No. 300.

Senator Parr moved that S. B. No. 300 be withdrawn from the Committee on Finance and referred to the Committee on Agriculture.



Senator Wood moved to table the motion of Senator Parr.

The motion to table was lost by the following vote:

Yeas—3.

Bledsoe. Wood.  
Love.

Nays—23.

Bailey. Parr.  
Berkeley. Pollard.  
Bowers. Price.  
Fairchild. Real.  
Floyd. Reid.  
Greer. Russek.  
Hall. Smith.  
Holbrook. Triplett.  
Lewis. Ward.  
McFarlane. Wirtz.  
Moore. Woodward.  
Neal.

Absent.

Hardin. Westbrook.  
Stuart. Witt.

Absent—Excused.

Miller.

The motion by Senator Parr was adopted.

#### Adjournment.

On the motion of Senator Wood, the Senate at 5:10 p. m. adjourned until Tuesday morning at 10:00 o'clock.

#### APPENDIX.

##### Petitions and Memorials.

Whereas, A bill has been introduced into the Legislature, which, if it becomes a law, will give the Co-operative Marketing Associations a chance to handle the mortgaged crop of its members.

Therefore, be it Resolved by the Goliad County Farm Bureau Cotton Association, That we favor such a law; and,

Be it Further Resolved, That a copy of these resolutions be sent to our senator and representative.

Hy F. Amecke, J. R. Killibrew, S. J. Pfenninger, D. H. Williams, W. A. Dohman, A. G. Meyer, V. G. Thomas, Committee.

#### AUSTIN MUNICIPAL GOLF AND AMUSEMENT ASSOCIATION, Inc.

Fostered, Built and Managed by  
Austin Lions Club

Austin, Texas, Feb. 5, 1927.

Mr. Barry Miller,  
Lieutenant Governor,  
Austin, Texas.

Dear Sir: The Lions Club desires to extend the privileges of the Municipal Golf Links to the members of the Legislature.

We would appreciate it very much if you will so inform the members, that if they desire to do so, they could have the privileges of the Municipal Golf Links without charge. All that will be necessary will be for them to register at the clubhouse as members of the Legislature.

Yours very truly,  
Austin Municipal Golf & Amusement Association,

JOHN H. TOBIN,  
President.

#### Committee on Enrolled Bills.

Committee Room,

Austin, Texas February 4, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 17 carefully examined and compared and find the same correctly enrolled, and have this day at 12 o'clock m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,

Austin, Texas February 4, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 28 carefully examined and compared, and find the same correctly enrolled, and have this day at 12 o'clock m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,

Austin, Texas February 4, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 29 carefully examined and compared and find the same correctly enrolled, and have this day at 12 o'clock

m., presented to the Governor for his approval.

FLOYD, Chairman.

**Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas February 4, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 149 carefully examined and compared and find the same correctly engrossed.

MILLER Vice-Chairman.

Committee Room,  
Austin, Texas February 7, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 78 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas February 7, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 223 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas February 7, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 224 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas February 7, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 156 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas February 7, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 171 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas February 7, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 160 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, February 5, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 279, A bill to be entitled "An Act to create Road District No. 3 in San Patricio County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district bonds, and taxes or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

BAILEY, Chairman.

Committee Room,  
Austin, Texas February 7, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 23, A bill to be entitled "An Act to create a conservation

commission for the State of Texas, providing for the number of commissioners, fixing the districts from which they are to be appointed, providing the term of office thereof, fixing their duties and compensation, providing the manner of the appointment of the first commission and their successors. Repealing Articles 6067, 6068, 6069, 6070, 6071, 6072, 6073, 6074, 6075, 6076, 6077 and 677 of the Revised Civil Statutes of 1925, of the State of Texas, amending and repealing all other laws in conflict with this Act. Placing the management of State Parks under the control and management of the conservation commission, providing for the appointment by the commission of a conservation executive of the commission, fixing the duties of said conservation executive, his term of office and compensation, providing for the conservation commission to supersede the office of game, fish and oyster commission, dividing the conservation commission into six separate divisions, viz: fresh water operations, salt water operations, education and research, natural resources and antipollution, game propagation and State parks, and law enforcement, providing for a director of each department and fixing his duties, providing for the appointment of deputy executives of the different divisions of the State, providing for the salary of all employees of the conservation commission and the manner of payment thereof, providing for an audit and reports annually, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that the Committee substitute, herewith submitted, do pass in lieu of the original bill.

WIRTZ, Chairman.

#### Committee Substitute for S. B. No. 23.

By Senator Wood:

S. B. No. 23, A bill to be entitled "An Act abolishing the office of Game, Fish and Oyster Commissioner and vesting all of the authority, powers, duties and functions of said commissioner in the State Conservation Board created and provided for in this Act; providing for the appointment, compensation, bond, duties and functions of said conservation board

and of a State Conservation Commissioner to be appointed by said board, and the necessary division heads, deputy commissioners and other employees of said board; changing the laws of this State in such respect as shall be necessary in order to carry out the purposes of this Act; enacting the necessary matters and things incidental to the purpose and subject of this Act; making the necessary appropriation out of the State Treasury; providing when this Act shall take effect; declaring the rule of construction where any portion of the Act is held unconstitutional or invalid; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas.

Section 1. The office of the Game, Fish and Oyster Commissioner of this State is hereby abolished. There is hereby created the State Conservation Board which shall have the authority, powers, duties, and functions heretofore vesting in the Game, Fish and Oyster Commissioner, except where in conflict with this Act.

Section 2. Said State Conservation Board shall consist of six members one of whom shall be chairman without authority to vote on any question except in case of a tie. The chairman and other members of said board shall be appointed by the Governor, which appointment shall be with the advice and consent of the Senate if in session, and if not in session, the Governor shall appoint such officers and issue a commission to them as provided by law, and their appointment shall be submitted to the next session of the Senate for their advice and consent in the manner that appointments to fill vacancies under the Constitution are submitted to the Senate. Two of the members of said board shall be appointed for a term ending February 1, 1929, two for a term ending February 1, 1931, and the chairman and one member for a term ending February 1, 1933, or until their successors are appointed and qualified. Thereafter the Governor shall appoint such chairman and members for terms of six years. The chairman and each member of said board shall execute a bond payable to the State of Texas, in the sum of five thousand dollars, to be approved by

the Governor and conditioned upon the faithful performance of his duties under the law. The premium on such bonds shall be paid by the State out of funds available to said Board under appropriations made by the Legislature.

Section 3. Said Conservation Board shall hold regularly quarterly meetings on the first Monday in January, April, July and October of each year, and may hold such special meetings at such other times and places as said board may deem necessary and proper. It shall require four members of said board to constitute a quorum.

Section 4. Said State Conservation Board is hereby authorized to make such rules and regulations for the conduct of its work and the work of the department under its control as may be deemed necessary, not inconsistent with the Constitution and laws of this State. Said Board shall keep a record of all proceedings and official acts.

Section 5. The chairman and members of said board shall receive as compensation for their services a per diem of ten dollars per day each when acting on official business for the State, together with actual expenses in the performance of their duties. The per diem and expenses of said chairman and members shall be itemized and sworn to by said chairman or member receiving the same and shall be paid out on warrants of the Comptroller drawn against any fund available for the use of said State Conservation Board.

Section 6. Said Board shall have power and authority to appoint a State Conservation Commissioner, who shall act as the chief executive officer under the direction of said board, and the said board may perform its duties through said commissioner, and may delegate to him such executive duties as said board shall deem proper.

Section 7. Said Conservation Commissioner shall have authority with the advice and consent of said State Conservation Board to appoint such heads of divisions and deputy conservation commissioners as in the discretion of said board may be deemed necessary to carry out and enforce the laws of this State, which it is the duty of said board to carry out, execute and administer, and to

perform all other duties and services authorized to be performed by said Conservation Board. Said State Conservation Commissioner and all heads of divisions and deputy commissioners, as well as all employees necessary to be employed, shall serve at the will of said State Conservation Board.

Section 8. The salary of said State Conservation Commissioner shall be four thousand dollars per year, to be paid in twelve equal monthly installments out of any funds appropriated for the use of the State Conservation Board, together with necessary expenses in connection with official duties. The compensation of all division heads and deputy commissioners as well as employees of the department herein provided for, shall be fixed by the State Conservation Board; provided, that the compensation of no deputy commissioner, division head or other employee shall exceed twenty-five hundred dollars per year.

Section 9. Said State Conservation Commissioner shall enter into a good and sufficient bond in the sum of ten thousand dollars payable to the State of Texas, to be approved by the State Conservation Board conditioned upon the faithful performance of the duties of his office. The premium on said bond shall be paid by the State out of any funds available to said department of conservation. Every division head or deputy commissioner shall execute a bond in the sum of one thousand dollars, to be approved by said commissioner and payable to the State of Texas, and conditioned for the faithful performance of the duties of his office. Said commissioner shall not be liable on his bond for any act of any deputy commissioner or division head, but on the other hand, the bond of any such division head or deputy commissioner shall cover the individual acts of each such officer.

Section 10. There is hereby appropriated out of the State Treasury all moneys collected or to be collected by the Game, Fish and Oyster Commissioner, or said Conservation Board, under any laws of this State relating thereto, for the purpose of carrying out this Act or performing

any duties or services under any laws of this State.

Section 11. This Act shall take effect and be in force from and after September 1, 1927.

Section 12. If any section or provision of this Act should be declared unconstitutional or invalid for any reason, it shall not affect any other provision or portion of this Act, and the same shall remain in full force and effect. All laws and part of laws in conflict herewith are hereby expressly repealed.

Section 13. The fact that we have no adequate law relative to the subject matter of this Act, and the fact that the duties and functions now devolving upon the Game, Fish and Oyster Commissioner can be better performed if this Act is passed, together with the fact that the changes in the law as herein made should take effect as soon as possible, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after the date hereinbefore provided, and it is so enacted.

#### Substitute for S. B. No. 54.

Senator Pollard received unanimous consent to have the following proposed substitute printed in the Journal.

By Senators Pollard, Floyd:

S. B. No. 54, A bill to be entitled, "An Act authorizing the creation of a junior college in any independent district or city that has assumed control of its schools in the State of Texas, having taxable values of property for school purposes of not less than \$12,000,000.00, and authorizing the creation of a junior college in any county of the State having taxable values for school purposes of not less than \$12,000,000.00; providing for the establishment, support, and operation of a junior college establishment as herein provided; providing for the method of election to determine whether or not such junior college shall be established; prohibiting the use of State School Funds for junior college purposes unless specifically appropriated therefor by the Legislature; provid-

ing for the issuance of bonds and the holding of elections for such purposes; providing for the levying and collecting of taxes to retire such funds to maintain and operate such colleges; providing for the government and administration of such junior college by the board of school trustees in an independent district or city, constituting a junior college district; providing for the election of five trustees for the government and management of a junior college district comprising an entire county, and the granting of powers and duties to such trustees for the control, management, and operation of such college; providing that the trustees of the junior college districts should be governed by the law governing the duties of trustees of independent school districts insofar as such laws apply; providing for the election of the administrative officer of the junior college; providing for the selection of the faculty and other employees upon the recommendation of the administrative head; providing that the location and the erection of buildings and the equipping of the junior college shall be in the hands of the junior college board; providing for the assessment, collection, and disbursement of taxes for junior college purposes; providing that the funds for maintenance and support of the junior college shall be disbursed under a budgetary system; providing that such reports as may be required by the State Department of Education shall be made; providing that the courses of study shall be such as are usually offered in the first two years of a standard college; providing for the collection of fees and tuition from students attending the junior college; providing for the selection of a depository by the junior college board; providing that no junior college shall be created in any district, city, or special district, comprising an entire county, where the enrollment of students in the eighth, ninth, tenth, and eleventh grades of four year accredited high schools in the territory covered by the junior college district shall be less than 600; providing that the tax rate for junior college purposes, including taxes for bonds and for maintenance and support, shall not exceed twenty cents on the one hundred dollars of

taxable property in the district, as may be voted by a majority of the property tax-paying voters of the district; providing that if any part of the law shall subsequently be declared unconstitutional, the remaining portions shall remain in full force and effect; and repealing all laws and parts of laws that conflict therewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas.

Section 1. Any independent school district or city which has assumed control of its schools, or any county in the State of Texas containing property taxable for school purposes aggregating not less than \$12,000,000.00 as shown by the last approved tax roll of such independent district, city, or county, and which has within the proposed territory an enrollment of not fewer than 400 students in the eighth, ninth, tenth, and eleventh grades of their four-year accredited high schools, shall have the authority to establish, operate, maintain, and support a junior college.

Section 2. Whenever it is proposed to establish a junior college in an independent district, city, or county, as above provided, a petition praying for an election therefor, signed by as many as 100 qualified tax-paying voters of such district, city, or county, shall be presented to the board of education of the independent district, the city council of the city, or the commissioners' court, if an entire county, and it shall thereupon become the duty of the board, council, or commissioners' court, so petitioned, as the case may be, to order an election to be held in the proposed district within a time not less than twenty days nor more than forty days after such order is issued, to determine whether or not such a junior college district shall be created and formed; and such order shall contain a description of the metes and bounds of such district to be formed, and shall fix the date for such election; and if the majority of votes cast by the qualified voters of such district at such election shall be in favor of such creation of a junior college district, same shall be deemed to be formed and created, and said board of trustees, city council, or county commissioners' court, as the case may be, shall within ten

days after holding of such election or at its next regular meeting, make a canvass of the returns and declare the results of such an election, and shall enter the results of said election on the minutes of such board, council, or court.

Section 3. A junior college established and maintained by an independent district, or a city that has assumed control of its schools, shall be governed, administered, and controlled by, and under the direction of, the board of school trustees of such district or city. A junior college established and maintained by an entire county shall be governed, administered, and controlled by, and under the direction of, a board of seven junior college trustees elected from the county at large by the qualified voters of said county, with such terms of office as may be provided under the General Law for trustees in independent school districts.

Section 4. The trustees of junior college districts shall be governed in the establishment, management and control of the junior college by the General Law governing the establishment, management, and control of independent school districts, insofar as the General Law is applicable.

Section 5. The location of the college within the junior college district shall be determined by the junior college board, as provided for in the preceeding section. The junior college board shall make a selection of the location of the junior college after its establishment has been authorized under Section 4.

Section 6. The junior college district created under this Act shall have the authority to issue bonds for the purchase of sites, the erection and equipment of buildings, and for permanent repairs, and to provide for the interest and sinking fund for such bonds, and levy and collect taxes for the support and maintenance of the junior college as is now possessed by independent school districts; providing that no bonds shall be issued and no taxes collected until, by a vote of the majority of the qualified voters of the junior college district at an election called for that purpose, in accordance with the provisions in the General Law providing for similar elections in independent school districts such bonds and tax are authorized. Election for the

issuance of such bonds and for the levying of such tax, or taxes, shall be ordered by the board of trustees of the junior college district upon petition signed by 100 qualified property tax-paying voters residing in such district, praying for the issuance of such bonds, and the levying of such tax, or taxes, and it shall be the duty of said board to order such an election, and the same shall be held, conducted, and returns thereon made to such board of trustees of such junior college district. The issuance of bonds for junior college purposes, and the provision for a sinking fund for the retirement thereof, and the payment of interest and the levying of taxes for the support and maintenance of said junior college, shall, insofar as applicable be in accordance with the general election laws and the laws governing the issuance of bonds and the levying of taxes for independent school districts, provided the total amount of tax levied for junior college purposes shall never exceed twenty-five cents on the one-hundred dollars of property valuation.

Section 7. It shall be the duty of the board of trustees of the junior college annually to prepare a budget showing the amount of money necessary for its use for the coming school year, and to file a true copy thereof, duly certified by its secretary, under its seal, with the State Department of Education; provided, however, that any failure to make budget or to have same comply with the requirements prescribed by the State Department of Education shall not invalidate any taxes levied by such board.

Section 8. All taxes levied by the board of trustees of the junior college district shall in the case of the independent district or city be collected by the same authority that levies and collects taxes levied by the board of trustees of the junior college district, covering an entire county, shall be assessed by the county tax assessor and collected by the county tax collector. These officials shall receive therefor the same compensation as is paid for assessing and collecting of other school taxes; provided that the junior college district shall receive any pro-rate part of any excess fees, which the collector, under the law, must return to

the district, city or county in which such junior college district is situated.

Section 9. The board of trustees of the junior college district in levying such tax, or taxes, shall base the levy upon the amount of money needed as shown by the budget which they are required to make out as set forth in the above Section 7. With a reasonable margin for loss and expense in collecting same, and shall furnish a copy of the order making such a levy to the proper assessing authorities indicated above, and to the State Department of Education respectively.

The tax collector shall on or about the tenth day of each month make a report to the board of trustees showing all moneys collected by him during the past month for junior college purposes, and shall turn over to such board of trustees such moneys collected for such purposes during each month.

Section 10. The tax collector before entering upon the duties of his office shall enter into a bond with two or more good and sufficient sureties for the protection of such junior college funds, made payable to the board of trustees of the junior college in such district, in a sum not less than double the estimated amount of money belonging to such district as he may have on hand at any time while in office, the amount to be fixed by the board of trustees of such junior college district, same to be approved by the State Department of Education, and filed by such board. Such boards shall require a like bond of any and all other persons or corporations in whose possession such funds may be kept. The money thus collected by the tax collector and other money coming into the hands of the board properly belonging to the junior college shall be deposited as follows: In junior college districts, comprising independent school districts, the funds shall be kept by the treasurer or the depository of the independent school districts. In the case of a city that has assumed control of its schools, the funds of the junior college shall be kept by the treasurer or depository which handles the funds of the schools of that city. The funds of the junior college district, constituting an entire county, shall be de-

posited with the depository selected by the board of the junior college district, such selection being based on competitive bids of interest payment of daily balances.

Section 11. The board of trustees of the junior college shall have the authority to select a president, dean, or other administrative officer, and on his recommendation, the faculty and other employees of such college, and to fix the compensation and manner of payment of such administrative head, faculty and employees. The said board of trustees shall authorize and adopt such courses of study as may be limited to the first two years of standard college work. The board shall also have the power to fix and collect fees for matriculation, and laboratory, gymnasium, and tuition and for other purposes; and shall have the power to make payment by warrant for any expenses incurred in the support, maintenance, and operation of such junior college.

Section 12. No funds received for school purposes from the State Available Fund shall be used for the establishment, support, and maintenance of a junior college, and no state funds shall be used for such purposes unless specifically appropriated therefor by the Legislature.

Section 13. The members of the board of trustees of the junior college shall receive no compensation for their services, but shall be reimbursed out of the maintenance funds of the junior-college district for all legitimate expenses incurred by them in the transaction of their official duties, provided the expense of each member shall not exceed \$5.00 per day or \$60.00 per year.

Section 14. Any municipal junior college now organized and conducted in the State of Texas, and recognized as standard by the State Department of Education, is hereby validated. Such junior college may, however, by action of its board of trustees, choose to be governed by the provisions of this Act at any time in the future that it may desire to do so.

Section 15. Should the courts declare any section or provision of this Act unconstitutional, such action shall affect only the section or provision declared unconstitutional, and shall not affect any other provision or section of this Act.

Section 16. All laws, and parts of

laws, special and general, in conflict herewith, are hereby specifically repealed insofar as they apply to the subject matter of this Act.

Section 17. The fact that there is now no law on the statutes authorizing the creation of junior colleges, and the further fact that it will be necessary before the taxes for the year 1927 can be collected for the use of a junior college, that such taxes be assessed prior to making up the tax roll for the said year, creates an emergency and an imperative public necessity requiring that the constitutional rule providing that bills shall be read on three several days shall be suspended, and said rule is hereby suspended, and this Act shall be in force from and after its passage, and it is so ordered.

#### EIGHTEENTH DAY.

Senate Chamber,  
Austin, Texas,

Tuesday, February 8, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Miller.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)